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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No.

2010-146

14 **PAUL ANTHONY PARKS**
38510 Orangecrest Road
15 Palm Desert, California 92211

ACCUSATION

16 Registered Nurse License No. 464241

17 Respondent.

18
19 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Interim
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 2. On or about August 31, 1991, the Board issued Registered Nurse License
25 Number 464241, to Paul Anthony Parks ("Respondent"). The registered nurse license was in full
26 force and effect at all times relevant to the charges brought herein and will expire on
27 March 31, 2011, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

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1 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
2 entries in any hospital, patient, or other record pertaining to the substances described
3 in subdivision (a) of this section.

4 7. Code section 4060 states:

5 No person shall possess any controlled substance, except that furnished to a
6 person upon the prescription of a physician, dentist, podiatrist, optometrist,
7 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
8 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
9 nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
10 Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
11 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
12 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section
13 shall not apply to the possession of any controlled substance by a manufacturer,
14 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
15 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
16 physician assistant, when in stock in containers correctly labeled with the name and
17 address of the supplier or producer.

18 Nothing in this section authorizes a certified nurse-midwife, a nurse
19 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own
20 stock of dangerous drugs and devices.

21 8. Health and Safety Code section 11173, subdivision (a), states:

22 No person shall obtain or attempt to obtain controlled substances, or procure or
23 attempt to procure the administration of or prescription for controlled substances, (1)
24 by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a
25 material fact.

26 COST RECOVERY

27 9. Code section 125.3 provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

DRUGS AT ISSUE

10. Morphine, is a Schedule II controlled substance as designated by Health and Safety
Code section 11055(b)(1)(M).

11. Dilaudid, a brand of hydromorphone, is a Schedule II controlled substance as
designated by Health and Safety Code section 11055(b)(1)(K).

12. Demerol, a brand of meperidine hydrochloride, a derivative of pethidine, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(17).

13. "Versed" is a brand name for Midazolam Hydrochloride and a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(21).

14. Benzodiazepines are a group of depressant drugs and are classified as Schedule IV controlled substances under Health and Safety Code section 11057.

FIRST CAUSE FOR DISCIPLINE

(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)

15. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct, as defined in Code section 2762(e), in that between February 17, 2005, and March 2, 2005, while employed as a registered nurse at Desert Regional Medical Center, located in Palm Springs, California, Respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records in the following respects:

Patient G.T.:

a. On or about February 17, 2005, at 1810 hours, Respondent signed out 10 mg. of Morphine. Respondent charted administering 5 mg. and wasting 5 mg. of Morphine on the Controlled Substance Administration Record. Respondent failed to have a witness when wasting the 5 mg. of Morphine. Furthermore, Respondent charted the administration of only 2 mg. of Morphine at 1810 hours on the patient's Medication Administration Record ("MAR"). Respondent failed to account for the disposition of 3 mg. of Morphine in any hospital or patient record.

Patient J.D.:

b. On or about February 25, 2005, at 1745 hours, Respondent signed out 2 mg. of Dilaudid, but failed to account for the disposition of the Dilaudid in any hospital or patient record.

c. On or about February 25, 2005, at 1745 hours, Respondent signed out 100 mg. of Demerol, but failed to account for the disposition of the Demerol in any hospital or patient record.

1 d. On or about February 25, 2005, at 1745 hours, Respondent signed out 2 mg. of Versed,
2 without a physician's order, and failed to account for the disposition of the Versed in any hospital
3 or patient record.

4 **Patient A.P.:**

5 e. On or about February 25, 2005, at 1310 hours, Respondent signed out 100 mg. of
6 Demerol, but failed to account for the disposition of the Demerol in any hospital or patient record.

7 f. On or about February 25, 2005, at 1430 hours, Respondent signed out 10 mg. of
8 Morphine. Respondent charted the administration of 10 mg. of Morphine on the Pain
9 Management Flow Sheet for Analgesic Infusions, but failed to chart the administration of the
10 Morphine on the MAR or nursing notes.

11 g. On or about February 25, 2005, at 1700 hours, Respondent signed out 2 mg. of Versed
12 without a physician's order, and failed to account for the disposition of the Versed in any hospital
13 or patient record.

14 **Patient P.V.:**

15 h. On or about March 1, 2005, at 1310 hours, Respondent signed out 2 mg. of Dilaudid,
16 but failed to account for the disposition of the Dilaudid in any hospital or patient record.

17 i. On or about March 1, 2005, at 1310 hours, Respondent signed out 2 mg. of Versed
18 without a physician's order, and failed to account for the disposition of the Versed in any hospital
19 or patient record.

20 j. On or about March 1, 2005, at 1330 hours, Respondent signed out 10 mg. of Morphine,
21 but failed to account for the disposition of the Morphine in any hospital or patient record.

22 k. On or about March 1, 2005, at 1400 hours, Respondent signed out 2 mg. of Versed
23 without a physician's order, and failed to account for the disposition of the Versed in any hospital
24 or patient record.

25 l. On or about March 1, 2005, at 1430 hours, Respondent signed out 2 mg. of Dilaudid,
26 but failed to account for the disposition of the Dilaudid in any hospital or patient record.

1 m. On or about March 1, 2005, at 1445 hours, Respondent signed out 1 mg. of Versed
2 without a physician's order, and failed to account for the disposition of the Versed in any hospital
3 or patient record.

4 n. On or about March 1, 2005, at 1835 hours, Respondent signed out 2 mg. of Dilaudid,
5 but failed to account for the disposition of the Dilaudid in any hospital or patient record.

6 **Patient M.S.:**

7 o. On or about March 1, 2005, at 1540 hours, Respondent signed out 10 mg. of
8 Morphine, but failed to account for the disposition of the Morphine in any hospital or patient
9 record.

10 p. On or about March 1, 2005, at 1635 hours, Respondent signed out 2 mg. of Dilaudid,
11 but failed to account for the disposition of the Dilaudid in any hospital or patient record.

12 q. On or about March 1, 2005, at 1635 hours, Respondent signed out 2 mg. of Versed
13 without a physician's order, and failed to account for the disposition of the Versed in any hospital
14 or patient record.

15 r. On or about March 1, 2005, at 1705 hours, Respondent signed out 2 mg. of Versed
16 without a physician's order, and failed to account for the disposition of the Versed in any hospital
17 or patient record.

18 s. On or about March 1, 2005, at 1800 hours, Respondent signed out 2 mg. of Dilaudid,
19 but failed to account for the disposition of the Dilaudid in any hospital or patient record.

20 t. On or about March 1, 2005, at 1830 hours, Respondent signed out 100 mg. of Demerol,
21 but failed to account for the disposition of the Demerol in any hospital or patient record.

22 **Patient S.B.:**

23 u. On or about March 2, 2005, 1410 hours, Respondent signed out 50 mg. of Demerol,
24 but failed to account for the disposition of the Demerol in any hospital or patient record.

25 v. On or about March 2, 2005, at 1435 hours, Respondent signed out 50 mg. of Demerol,
26 but failed to account for the disposition of the Demerol in any hospital or patient record.

1 w. On or about March 2, 2005, at 1525 hours, Respondent signed out 10 mg. of
2 Morphine, but failed to account for the disposition of the Morphine in any hospital or patient
3 record.

4 x. On or about March 2, 2005, at 1525 hours, Respondent signed out 2 mg. of Versed
5 without a physician's order, and failed to account for the disposition of the Versed in any hospital
6 or patient record.

7 y. On or about March 2, 2005, at 1605 hours, Respondent signed out 2 mg. of Versed
8 without a physician's order, and failed to account for the disposition of the Versed in any hospital
9 or patient record.

10 z. On or about March 2, 2005, at 1638 hours, Respondent signed out 2 mg. of Dilaudid,
11 but failed to account for the disposition of the Dilaudid in any hospital or patient record.

12 aa. On or about March 2, 2005, at 1700 hours, Respondent signed out 2 mg. of Dilaudid,
13 but failed to account for the disposition of the Dilaudid in any hospital or patient record.

14 bb. On or about March 2, 2005, at 1810 hours, Respondent signed out 2 mg. of Versed
15 without a physician's order, and failed to account for the disposition of the Versed in any hospital
16 or patient record.

17 cc. On or about March 2, 2005, at 1815 hours, Respondent signed out 10 mg. of
18 Morphine, but failed to account for the disposition of the Morphine in any hospital or patient
19 record.

20 dd. On or about March 2, 2005, at 1930 hours, Respondent signed out 2 mg. of Versed
21 without a physician's order, and failed to account for the disposition of the Versed in any hospital
22 or patient record.

23 ee. On or about March 2, 2005, at 2005 hours, Respondent signed out 2 mg. of Dilaudid,
24 but failed to account for the disposition of the Dilaudid in any hospital or patient record.

25 **Patient L.S.:**

26 ff. On or about March 7, 2005, Respondent signed out 100 mg. of Demerol, but failed to
27 enter the time it was signed out. Respondent charted administering the Demerol in 25 mg. doses
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1 at 1415 hours, 1425 hours, 1430 hours, and 1445 hours on the PACU (postanesthesia care unit)
2 MAR, but failed to chart the administration of the 1430 hour dose in the PACU notes.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Obtained, Possessed, or Self-Administered Controlled Substances)**

5 16. Respondent is subject to discipline under Code section 2761(a), on the grounds of
6 unprofessional conduct, as defined in Code section 2762(a), in that between February 17, 2005,
7 and March 2, 2005, while employed as a registered nurse at Desert Regional Medical Center,
8 located in Palm Desert, California, Respondent did the following:

9 a. Respondent obtained Morphine, Dilaudid, Demerol, and Versed, all controlled
10 substances, by fraud, deceit, misrepresentation or subterfuge, or by the concealment of a material
11 fact, in violation of Health and Safety Code section 11173(a), by withdrawing medication for
12 various patients and taking it for his own personal use.

13 b. Respondent possessed Morphine, Dilaudid, Demerol, and Versed, all controlled
14 substances, in violation of Code section 4060, in that Respondent did not have a prescription to
15 possess those controlled substances.

16 c. Respondent self-administered Morphine, Dilaudid, Demerol, and Versed, all
17 controlled substances, without the direction to do so from a licensed physician and surgeon,
18 dentist or podiatrist.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Use of a Controlled Substance To an Extent or Manner Dangerous to Himself or Others)**

21 17. Respondent is subject to discipline under Code section 2761(a), on the grounds of
22 unprofessional conduct, as defined in Code section 2762(b), in that on or about March 7, 2005, at
23 Desert Regional Medical Center, located in Palm Springs, California, Respondent used controlled
24 substances (Benzodiazepines, Meperidine and Opiates) to an extent or in a manner dangerous or
25 injurious to himself, any other person, or the public, or to the extent that such use impaired his
26 ability to conduct with safety to the public the practice authorized by his license, in that
27 Respondent exhibited grogginess, spaciness, and was having difficulty in conversation and
28 carrying out tasks, while on duty as a registered nurse. On said date, Respondent tested positive

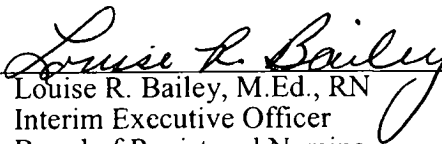
1 for Benzodiazepines, Meperidine and Opiates during a drug screening. During a subsequent
2 investigation by the Division of Investigation, Department of Consumer Affairs, Respondent
3 admitted that he had a problem with Benzodiazepines and Opiates.

4
5 **PRAYER**

6 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 464241 issued to Paul
9 Anthony Parks;
10 2. Ordering Paul Anthony Parks to pay the Board of Registered Nursing the reasonable
11 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 9/15/09


Louise R. Bailey, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

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